

UNITED STATES BANKRUPTCY COURT
Southern District of New York

Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on August 14, 2009.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in this case may be reviewed on the court's Electronic Case File System (ECF) using a PACER login and password at www.nysb.uscourts.gov or at any of the three divisions of the court during posted business hours. NOTE: The staff of the bankruptcy clerk's office and the office of the U.S. trustee cannot give legal advice.

See Reverse Side For Important Explanations

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

John Thorton O'Donnell
1675 York Ave
25K
New York, NY 10128

Ellen Jane O'Donnell
1675 York Ave
25K
New York, NY 10128

Case Number:
09-15014-pcb

Social Security/Taxpayer ID/Employer ID/Other Nos.:
xxx-xx-3203
xxx-xx-4209

Attorney for Debtor(s) (name and address):

Mark A. Frankel
Backenroth Frankel & Krinsky, LLP
489 Fifth Avenue
New York, NY 10017
Telephone number: (212) 593-1100

Bankruptcy Trustee (name and address):

Gregory M. Messer
Law Offices of Gregory Messer, PLLC
26 Court Street
Suite 2400
Brooklyn, NY 11242
Telephone number: (718) 858-1474

Meeting of Creditors

Date: **September 11, 2009**

Time: **11:30 AM**

Location: **Office of the United States Trustee, 80 Broad Street, Fourth Floor, New York, NY 10004-1408**

Presumption of Abuse under 11 U.S.C. § 707(b)

See "Presumption of Abuse" on reverse side.

The presumption of abuse does not arise.

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts: 11/10/09

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

Address of the Bankruptcy Clerk's Office:

One Bowling Green
New York, NY 10004-1408
Telephone number: 212-668-2870

For the Court:

Clerk of the Bankruptcy Court:
Vito Genna

Hours Open: Monday – Friday 8:30 AM – 5:00 PM

Date: August 17, 2009

DEBTORS: BRING THIS NOTICE TO YOUR FIRST MEETING OF CREDITORS TO BE HELD PURSUANT TO SECTION 341(A) OF THE BANKRUPTCY CODE, TOGETHER WITH ANY OTHER DOCUMENTS REQUESTED BY THE TRUSTEE.

EXPLANATIONS

B9A (Official Form 9A) (12/07)

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office and the U.S. trustee cannot give legal advice. You may want to consult an attorney to protect your rights.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
DEBTORS	Duty to Complete Financial Management Course and File Certificate: The Personal Financial Management Course must be completed and Official Form 23 (Financial Management Form Certificate) must be filed within 45 days after the first date set for your section 341(a) meeting, pursuant to Interim Rule 1007(c). Please note: You will not receive your discharge and your case will be closed without entry of a discharge, if you do not file the form within the required time allotted. If you fail to file the Financial Management Course Certificate and your case is closed, you will be required to file a Motion to Reopen the Case to allow for filing of the Certificate, paying required fees, if any become due, applicable to either the reopening of the case or filing of the motion.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online with a PACER login and password at www.nysb.uscourts.gov . If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed on the court's Electronic Case File System (ECF) using an attorney's login and password issued by the court or on a diskette or compact disk (CD) in PDF format. If you are unable to file electronically or to submit a copy of your filing on diskette or compact disk (CD), you may file conventionally, provided that you submit with your filing an affidavit of your inability to comply. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the the bankruptcy clerk's office or online with a PACER login and password at www.nysb.uscourts.gov .
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
— Refer to Other Side for Important Deadlines and Notices —	

CERTIFICATE OF NOTICE

District/off: 0208-1
Case: 09-15014

User: shibbert
Form ID: b9a

Page 1 of 1
Total Noticed: 19

Date Rcvd: Aug 17, 2009

The following entities were noticed by first class mail on Aug 19, 2009.

db/jdb +John Thorton O'Donnell, Ellen Jane O'Donnell, 1675 York Ave, 25K, New York, NY 10128-7006
aty +Mark A. Frankel, Backenroth Frankel & Krinsky, LLP, 489 Fifth Avenue,
New York, NY 10017-6109
tr +Gregory M. Messer, Law Offices of Gregory Messer, PLLC, 26 Court Street, Suite 2400,
Brooklyn, NY 11242-1124
smg N.Y. State Unemployment Insurance Fund, P.O. Box 551, Albany, NY 12201-0551
smg New York City Dept. Of Finance, 345 Adams Street, 3rd Floor,
Attn: Legal Affairs - Devora Cohn, Brooklyn, NY 11201-3719
smg New York State Tax Commission, Bankruptcy/Special Procedures Section, P.O. Box 5300,
Albany, NY 12205-0300
smg United States Attorney, One St. Andrew's Plaza, Claims Unit - Room 417,
New York, NY 10007-1701
ust +United States Trustee, 33 Whitehall Street, 21st Floor, New York, NY 10004-2122
4933541 +Citibank, POB 15026, San Antonio, TX 78212
4933542 +NYS Dept of Tax & Finance, Bankruptcy Unit, PO Box 5300, Albany, NY 12205-0300
4933543 +NYS Dept of Tax and Finan, Attorney General's Office, 120 Broadway, New York, NY 10271-0332
4933544 Quicken Visa, POB 183601, Columbus, OH 43218
4933545 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
4933546 (address filed with court: State of New Jersey, Division of Taxation, Trenton, NJ 08695)
+United States of America, c/o U.S. Attorney, 86 Chambers Street, New York, NY 10007-1825

The following entities were noticed by electronic transmission on Aug 17, 2009.

4933537 +EDI: AMEREXPR.COM Aug 17 2009 16:08:00 Amex Optima, 777 American Express Way,
Fort Lauderdale, FL 33337-0001
4933538 +EDI: AMEREXPR.COM Aug 17 2009 16:08:00 Amex Platinum, 777 American Express Way,
Fort Lauderdale, FL 33337-0001
4933540 +EDI: BANKAMER.COM Aug 17 2009 16:08:00 Bank of America, POB 15026,
Wilmington, DE 19850-5026
4933539 +EDI: BANKAMER.COM Aug 17 2009 16:08:00 Bank of America, PO Box 15715,
Wilmington, DE 19886-5715
4933547 EDI: IRS.COM Aug 17 2009 16:08:00 United States Treasury, Internal Revenue Service,
Cincinnati, OH 45999

TOTAL: 5

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 19, 2009

Signature:

